

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/501,658
Applicant: H. KAWABATA et al.
Filed: July 15, 2004
Title: REFRIGERANT COMPRESSOR AND REFRIGERATING MACHINE
USING THE SAME
TC/A.U.: 3746
Examiner: Patrick Hamo
Confirmation No.: 4898
Docket No.: MAT-8577US

RESPONSE TO ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

Responsive to the Election Requirement stated in the Office Letter dated **March 16, 2007**, Applicants elect for further prosecution, the claims corresponding to Group I, Species (a). Claims 1 and 3 correspond to the elected species. This election is made with traverse.

The Election Requirement violates MPEP 1893.03(d). MPEP 1893.03(d) requires that, when making a Lack of Unity of Invention Requirement, the Examiner must:

...explain why each group lacks unity with each other group, specifically describing the unique special technical feature in each group.

The Election Requirement provides no explanation of the unique special technical feature in each group. Also, there is no explanation why each group lacks unity with each other group.

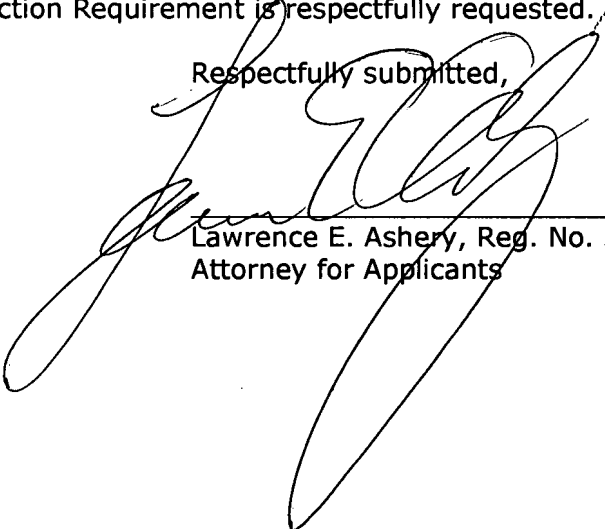
The Election requirement also violates MPEP 806.04(e). MPEP 806.04(e) specifically states:

Claims are never species. (emphasis in the original).

A quick review of the species set forth in the Election Requirement indicates that the Examiner simply created species by sequentially going through the claims and isolating language from each claim. This is improper.

Withdrawal of the Election Requirement is respectfully requested.

Respectfully submitted,



Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicants

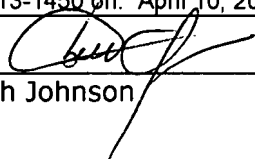
LEA/bj

Dated: April 10, 2007

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby
authorized to charge payment to Deposit
Account No. **18-0350** of any fees associated
with this communication.

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail,
with sufficient postage, in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on: April 10, 2007.



Beth Johnson

137616